

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 24-cr-153 (SRN/TNL)

Plaintiff,

v.

ORDER

Jose Armando Padilla-Carbajal,

Defendant.

This matter comes before the Court on Defendant Jose Armando Padilla-Carbajal's Motion for Continuance of Motion Filing Date and Motion Hearing, ECF No. 23. Defendant requests a 30-day extension of the deadline to file pretrial motions as well as the motion hearing date. *Id.* at 1. Defendant explains that additional time is needed for defense counsel to be able to meet with Defendant to discuss his case before deciding how to proceed. *Id.* Defense counsel has not been able to timely meet with Defendant because since Defendant's release from pretrial detention on July 2, 2024, he was transferred to an immigration detention facility in western Minnesota and then placed in a hospital where he has been since July 28, 2024. *Id.* Defendant also requests the Court to exclude the period of continuance from computation under the Speedy Trial Act. *Id.* The Government does not oppose either request. *Id.*

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendants in a speedy trial and such continuance is necessary to provide the parties and their respective counsel

reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion for Continuance of Motion Filing Date and Motion Hearing, ECF No. 23, is **GRANTED**.
2. The period of time from **the date of this Order through August 22, 2024**, shall be excluded from Speedy Trial Act computations in this case.
3. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **August 22, 2024**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Leung.
4. **Counsel shall electronically file a letter on or before August 22, 2024, if no motions will be filed and there is no need for hearing.**
5. All responses to motions shall be filed by **September 5, 2024**. D. Minn. LR 12.1(c)(2).
6. Any Notice of Intent to Call Witnesses shall be filed by **September 5, 2024**. D. Minn. LR 12.1(c)(3)(A).
7. Any Responsive Notice of Intent to Call Witnesses shall be filed by **September 10, 2024**. D. Minn. LR 12.1(c)(3)(B).
8. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The government makes timely disclosures, and a defendant pleads particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection, or response pleadings.

9. If required, the motions hearing, shall take place before the undersigned on **September 19, 2024, at 1:30 p.m.**, in Courtroom 9W, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota. D. Minn. LR 12.1(d).

10. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT, the following trial and trial-related dates are:**

All voir dire questions and jury instructions and trial related motions (including motions in limine) must be submitted to District Judge Susan Richard Nelson on or before ***a date to be determined***.

This case must commence trial on ***a date to be determined*** before District Judge Susan Richard Nelson in Courtroom 7B, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Nelson to confirm the new trial date.**

Dated: July 25, 2024

s/ Tony N. Leung

Tony N. Leung
United States Magistrate Judge

District of Minnesota

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